

60,130-1968
04MRA0070REMARKS

Applicant has amended the specification and the claims. Except for those changes specifically discussed below none of the amendments made to the specification and the claims are connected in any way to any rejection in this application. Applicant has cancelled claims 10-13.

Claims 1-5, 7-11, 13-15, and 17-20 as being anticipated by Rim (U.S. 6,739,579). Claims 1, and 14 require an electric actuator. Rim does not disclose an electric actuator. Instead Rim discloses a vacuum actuator (70).

Examiner argues that the actuator (70) illustrated in Rim is an electric actuator. However the illustrations clearly show a vacuum powered actuator. The Examiner's interpretation of Rim is not consistent with the interpretation that one skilled in the art would reach. A worker skilled in the art would understand the illustrations to disclose a vacuum actuator. This is shown by the United States Patent 6,000,222 to Regnier. Figure 1 of Regnier illustrates a vacuum actuator (16) (Col 2, lines 65-67). The illustration of a vacuum actuator (16) in Regnier is substantially identical to that disclosed in Figure 4 of Rim. Further, the fact that the actuator (70) illustrated is a vacuum actuator is further supported by Rim Figure 3. Rim Figure 3 illustrates a single vacuum hose (not numbered) to each of the vacuum actuators. An electric actuator requires an electric wire with a connector, neither of which are shown in Rim.

Further, claims 4, and 17 require that the support housing include a plate disposed between the actuator and the exhaust pipe for shielding the actuator from heat emitted from the exhaust pipe. Rim does not disclose or suggest any plate between an actuator and an exhaust pipe for shielding heat from the actuator. Accordingly, claims 1-5, 7-9, 14-15, and 17-20 include

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features not disclosed or suggested and are therefore not anticipated or suggested by Rim. Applicant requests withdrawal of this rejection.

Claims 6, 16, 21 and 22 were rejected as being obvious over Rim in view of ordinary skill in the art. Claims 6, and 16 require that the valve neck comprise a cross-section smaller in a direction transverse to the exhaust pipe than a cross-section of the support housing. Rim discloses an L-shaped bracket for holding the vacuum actuator (70). The L-shaped bracket disclosed in Rim does not meet the limitation of a support housing supported by the valve neck with the valve neck comprising a cross-section transverse to the exhaust pipe that is smaller than a cross-section of the support housing in a direction transverse to the exhaust pipe. Further, Rim includes no description or suggestion for such a bracket. Examiner argues that this is well known in the art. Applicant requests that the Examiner produce evidence supporting the assertion of knowledge in the art.

Claim 21 requires that the actuation tube be a hollow shaft. Claim 22 requires that the actuation tube have a solid portion and a hollow portion. Rim discloses a cylindrical shaft (62) with a circular cross-section. (Col 4, lines 3-6). Nothing in Rim discloses or suggests a shaft that is hollow, or a shaft that is partially solid and partially hollow. Examiner argues that such shafts are well known in the art. Applicant requests that the Examiner produce evidence supporting the assertions of knowledge in the art.

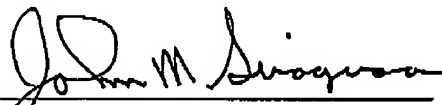
Applicant has added new claims 23-26. Claims 23 and 24 require the electric actuator to include a first pull coil and a second hold coil. Claim 25 requires that the valve neck be mounted about an axis of rotation of the valve plate. Claim 26 requires that the valve neck be a hollow tube

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with a first mount adjacent a first end and a second mount adjacent a second end opposite the first end. None of the references teach or suggest the limitations in new claims 23-26.

The Commissioner is authorized to charge the \$36.00 (two additional claims in excess of twenty) to Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C. All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



John M. Siragusa No. 46,174
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

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